



#12/Elec.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Confirmation No.: 5363

LESSER *et al.*

Group Art Unit: 3762

Appln. No.: 09/691,051

Examiner: OROPEZA, FRANCES P.

Filed: October 19, 2000

Title: TECHNIQUES USING HEAT FLOW MANAGEMENT STIMULATION AND SIGNAL ANALYSIS TO TREAT MEDICAL DISORDERS

June 16, 2003

* * * * *

RESPONSE TO RESTRICTION REQUIREMENT

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

This is in response to the official action dated May 16, 2003, in which a restriction requirement was set forth by the examiner. This response is being timely filed as it is being filed within the one month shortened statutory period set forth in the official action.

In the official action, the examiner groups the claims as follows:

- I. Claims 35-50, drawn to a method for treating a medical disorder, classified in class 607, subclass 3.
- II. Claims 51-56, drawn to a method for determining epilepsy treatment efficacy and administering treatment, classified in class 607, subclass 3.
- III. Claims 57-60, drawn to a method for analyzing brain activity, classified in class 607, subclass 45.

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It is the examiner's position that the claims of groups I and II and I and III "are related as subcombinations disclosed as useable together in a single combination." The examiner also sets forth an "election of species," stating that "should the applicant elect the first invention, the Applicant is further required to elect one species of claims 36-39 and to elect one species of claims 40 and 46-50 for prosecution on the merits."

Inventor(s): LESSER *et al.*

Appln. No.: 09

691,051

Series Code ↑

Serial No. ↑

Filed: October 19, 2000

Mail Stop Non-Fee Amendment

Hon. Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

REPLY/AMENDMENT/LETTER

Date: June 16, 2003

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim

A. ☒ NOT madeB. ☐ WithdrawnC. ☐ made herewithD. ☐ made previously

For B & C

See **Required****Separate Paper**

(Pat-256)

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims	29	**minus 34	0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims	3	***minus 3	0	x \$84/\$42 =	+ \$0	102/202
4. If amendment enters <u>proper</u> multiple dependent claim(s) into this application for <u>first</u> time (leave blank if this is a reissue application) add				+ \$280/\$140 =	+ \$0	104/204
5. Original due Date: June 16, 2003	<input type="checkbox"/> NONE					
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached	(1 mo)	\$110/\$55 =		+ \$0		115/215
	(2 mos)	\$410/\$205 =				116/216
	(3 mos)	\$930/\$465 =				117/217
	(4 mos)	\$1,450/\$725 =				118/218
	(5 mos)	\$1,970/\$985 =				128/228
7. Enter any previous extension fee paid since above original due date and subtract				- \$0		
8.				Extension Fee	+ \$0	
9. If Terminal Disclaimer attached, add Rule 20(d) official fee				+ \$110/\$55	+ \$0	148/248
10. If IDS attached requires Official Fee under Rule 97 (c), add				+ \$180	+ \$0	126
or if Rule 97(d) Request add				+ \$180	+ \$0	126
11. After-Final Request Fee per rules 129(a) and 17(r)				+ \$750/370	+ \$0	146/246
12. No. of additional inventions for examination per Rule 129(b)				x \$750/375 ea	+ \$0	149/249
13. Request for Continued Examination (RCE)				+ \$750/375	+ \$0	1179/1279
14. Petition fee for					+ \$0	

15.

TOTAL FEE = \$0

16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

PLEASE CHARGE OUR DEP. ACCT

Our Deposit Account No. 03-3975)

(Our Order No. 41061 268412

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP
Intellectual Property Group

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NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments